

08 CV 00035

Judge Berman

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKMERCK EPROVA AG and
MERCK KGaA

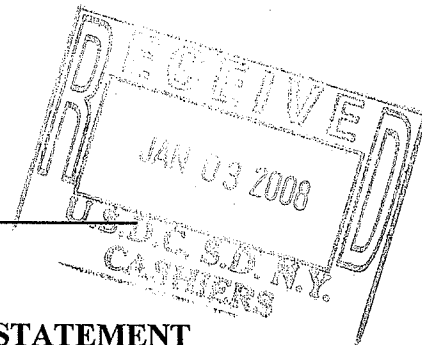
Plaintiffs,

-vs.-

PROTHERA, INC.

Defendant.

07 CV

RULE 7.1 STATEMENT
OF PLAINTIFF
MERCK EPROVA AG

Pursuant to Fed. R. Civ. P. 7.1, and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Plaintiff Merck Eprova AG, certifies that, to the best of its knowledge:

1. Merck Eprova AG is a subsidiary of Merck KGaA.
2. No publicly held corporation other than Merck KGaA currently holds more than 10% of the voting securities of Merck Eprova AG.

Dated: January 3, 2008

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